

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 297 be amended to read as follows:

- 1 Page 5, after line 5, begin a new paragraph and insert:
- 2 "SECTION 5. IC 36-1.5-4-44 IS ADDED TO THE INDIANA
- 3 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2008]: **Sec. 44. (a) A reorganized political**
- 5 **subdivision consisting of:**
- 6 **(1) two (2) or more townships; and**
- 7 **(2) at least one (1) municipality;**
- 8 **that have reorganized under IC 36-1.5 may exercise park and**
- 9 **recreation powers under IC 36-10 if the reorganized political**
- 10 **subdivision's plan of reorganization authorizes the reorganized**
- 11 **political subdivision to exercise those powers.**
- 12 **(b) If a reorganized political subdivision's plan of reorganization**
- 13 **authorizes the reorganized political subdivision to exercise park**
- 14 **and recreation powers under IC 36-10, the reorganized political**
- 15 **subdivision may establish a park and recreation board.**
- 16 **(c) A park and recreation board established by a reorganized**
- 17 **political subdivision under this section:**
- 18 **(1) shall exercise park and recreation functions within the**
- 19 **reorganized political subdivision; and**
- 20 **(2) has the powers and duties of both a municipal park and**
- 21 **recreation board and a township park and recreation board**
- 22 **under IC 36-10.**
- 23 **(d) A reorganized political subdivision may by resolution or in**
- 24 **the reorganized political subdivision's plan of reorganization**
- 25 **determine:**
- 26 **(1) the number of members to be appointed to the reorganized**
- 27 **political subdivision's park and recreation board;**
- 28 **(2) the person or entity that shall appoint or remove those**
- 29 **members;**
- 30 **(3) any required qualifications for those members; and**
- 31 **(4) the terms of those members.**

SECTION 6. IC 36-7-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to all units except townships.**

(b) A unit consisting of:

(1) two (2) or more townships; and

(2) at least one (1) municipality;

that have reorganized under IC 36-1.5 may exercise planning and zoning power under IC 36-7-4 if the unit's plan of reorganization under IC 36-1.5 authorizes the unit to exercise planning and zoning powers.

SECTION 7. IC 36-7-4-107 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 107. **If a provision of this chapter requires a power to be exercised by adoption of an ordinance, a unit described in IC 36-7-2-1(b) shall exercise the power by adoption of a resolution.**

SECTION 8. IC 36-7-4-202.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 202.5. **(a) ADVISORY. Notwithstanding any other law, the legislative body of a unit described in IC 36-7-2-1(b) may establish by resolution an advisory plan commission.**

(b) ADVISORY. If an advisory plan commission is established under this section by a unit described in IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this chapter:

(1) the plan commission of the unit shall exercise the planning and zoning functions within the unit;

(2) the plan commission unit may not exercise planning and zoning functions within a municipality that has established a plan commission under this chapter (other than a municipality that participated in the reorganization of the unit under IC 36-1.5);

(3) a county plan commission may not exercise planning and zoning functions within the unit; and

(4) except as provided in subdivision (2), a municipal plan commission of a municipality (other than a municipality that participated in the reorganization of the unit under IC 36-1.5) may not exercise planning and zoning functions within the unit.

Notwithstanding any other law, if a municipality (other than a municipality that participated in the reorganization of the unit under IC 36-1.5) annexes territory within a unit described in IC 36-7-2-1(b) after the unit has established an advisory plan commission under this section, the municipal plan commission of that municipality may not exercise planning and zoning functions within that annexed territory.

(c) ADVISORY. Except as specifically provided in this chapter, an advisory plan commission established under this section by a unit described in IC 36-7-2-1(b) shall exercise the planning and

1 zoning functions within the unit in the same manner that a
 2 municipal plan commission established under this chapter
 3 exercises planning and zoning functions for a municipality.

4 (d) **ADVISORY.** Notwithstanding any other provision, if an
 5 advisory plan commission is established under this section by a unit
 6 described in IC 36-7-2-1(b), the legislative body of the unit shall by
 7 resolution or in the unit's plan of reorganization under IC 36-1.5
 8 determine:

9 (1) the number of members to be appointed to the unit's
 10 advisory plan commission;

11 (2) the person or entity that shall appoint or remove those
 12 members;

13 (3) any required qualifications for those members;

14 (4) the terms of those members; and

15 (5) whether any members or advisory members shall be
 16 appointed by the county in which the unit is located or by a
 17 municipality located within the unit.

18 SECTION 9. IC 36-7-4-901.5 IS ADDED TO THE INDIANA
 19 CODE AS A NEW SECTION TO READ AS FOLLOWS
 20 [EFFECTIVE JULY 1, 2008]: Sec. 901.5. (a) If an advisory plan
 21 commission is established under this section by a unit described in
 22 IC 36-7-2-1(b) and the unit adopts a comprehensive plan under this
 23 chapter, the legislative body of the unit shall establish a board of
 24 zoning appeals.

25 (b) A board of zoning appeals established under this section:

26 (1) shall exercise its powers and duties under this chapter
 27 within the unit in the same manner that a municipal board of
 28 zoning appeals established under this chapter exercises
 29 powers and duties under this chapter for a municipality; and

30 (2) may not exercise its powers and duties under this chapter
 31 within a municipality that has established a plan commission
 32 under this chapter (other than a municipality that
 33 participated in the reorganization of the unit under
 34 IC 36-1.5).

35 (c) Notwithstanding any other law, if the legislative body of a
 36 unit described in IC 36-7-2-1(b) establishes a board of zoning
 37 appeals under this section, the legislative body of the unit shall by
 38 resolution determine:

39 (1) the number of members to be appointed to the unit's board
 40 of zoning appeals;

41 (2) the person or entity that shall appoint or remove those
 42 members;

- 1 **(3) any required qualifications for those members; and**
- 2 **(4) the terms of those members."**

3 Renumber all SECTIONS consecutively.

(Reference is to SB 297 as printed January 25, 2008.)

Senator DROZDA